

REMARKS

Claims 1-41 have been rejected by the Office. Claims 42-49 have been added.

During a telephone interview with Examiner Hsu on December 12, 2003, the applicant's representative discussed the claim rejections under § 112. While no agreement with respect to these rejections was reached, the time granted by Examiner Hsu and his prompt response is acknowledged and greatly appreciated.

Claims Identified as Allowable by the Office

Claim 20

Claim 20 has been identified as allowable if re-written to overcome the § 112, second paragraph, rejection of the Office. Claim 20 has been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office states that it is unclear as to what element or device or signal is synchronized to the transport stream. Claim 20 now recites synchronizing to a transport stream to a system. Additional amendments have been applied to claim 20 to remove unnecessary limitations, and not to narrow the claimed invention. Claim 20 has been amended to replace receiving with generated to indicate that the recited system generates the indicator. In that the generated indicator can be received by the system also, the amendment is not believed to narrow the scope of claim 20. Claims 43-44, which depend from claim 20, have been added. Claim 20, as amended, overcomes the § 112 rejection made by the Office. For at least this reason, allowance of claim 20, and its dependent claims, is solicited.

Claim 40

Claim 40 has been identified as allowable if re-written to overcome the § 112, second paragraph, rejection of the Office. Claim 40 has been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office states that it is unclear as to what element or device or signal is synchronized to the transport stream. Claim 40 has been amended to indicate that synchronization is relative to a system. Additional amendments have been applied to claim 40 to remove unnecessary limitations, and not to narrow the claimed invention. In that the generated indicator can be received by the system also, the amendment is not believed to narrow the scope of claim 20. Claims 46-48, which depend from claim 40, have been added. Claim 40, as amended, overcomes the § 112 rejection made by the Office. For at least this reason, allowance of claims 40, and its dependent claims, is solicited.

#### Rejected Claims

##### Claim 1

Claim 1 has been rejected under the first and second paragraphs of 35 U.S.C. § 112. With respect to 35 U.S.C. § 112, second paragraph, claim 1 has been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office states that it is unclear as to what element or device or signal is synchronized to the transport stream. Claim 1 has been amended to indicate that transport stream synchronization is relative to a system. Withdrawal of the rejection of claim 1 under § 112, second paragraph, is requested.

With respect to the rejection under § 112, first paragraph, the Office states that it is not fully disclosed as to what is intended to be the claimed unknown set of transport characteristics in the disclosure. The Office further questions whether the claims are referring to IN SYNCH and PACKET START signals, or synchronization indicators.

The applicant's specification, beginning on the second full paragraph of page 54, provides a specific discussion as to the various transport characteristics that can be unknown. Based on the discussion herein, it is believed that one skilled in the art, as required, would

readily understand that when a specific characteristic of the transport stream is unknown it would be part of the recited unknown set of transport characteristics. In addition, many specific examples of characteristics that are part of the set of unknown characteristics are listed in the specification and the claims (see claims 8-14), and should thereby overcome the rejections under § 112, first paragraph, individually. As to the signals identified by the Office in support of the claim 1 rejection, it would be understood that to the extent that the recited signals are part of a transport stream, that there may be one or more characteristic based upon them. To the extent that the signals are not part of the transport stream, it would be understood that there would be no such related characteristics. It is respectfully submitted that the applicant's disclosure would convey to one skilled in the relevant art that applicants had possession of the claimed invention of claim 1, as required. Furthermore, it is submitted that the limitations of at least claims 8-14 would further clarify this to one of ordinary skill in the art. Additional limitations to claim 1 are presented in new claim 49. The Office is respectfully requested to remove the rejection claim 1 under § 112, first paragraph, and to allow the recited subject matter therein.

#### Claim 21

Claim 21 has been rejected under the first and second paragraphs of 35 U.S.C. § 112. With respect to 35 U.S.C. § 112, second paragraph, claim 21 has been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office states that it is unclear as to what element or device or signal is synchronized to the transport stream. Claim 21 has been amended to indicate that transport stream synchronization is relative to a system. Withdrawal of the rejection of claim 21 is solicited in that it is clear that a system is synchronized to the transport stream.

With respect to the rejection under § 112, first paragraph, the Office states that it is not fully disclosed as to what is intended to be the claimed unknown set of transport characteristics in the disclosure. The Office further questions whether the claims are referring to IN SYNCH and PACKET START signals, or synchronization indicators.

The applicant's specification, beginning on the second full paragraph of page 54, provides a specific discussion as to the various transport characteristics that can be unknown. Based on this discussion, it is believed that one skilled in the art, as required, would readily understand that when a specific characteristic of the transport stream is unknown it would be part of the recited unknown set of transport characteristics. In addition, many specific examples of characteristics that are part of the set of unknown characteristics are listed in the specification and the claims (see claims 28-33), and should thereby overcome the rejections under § 112, first paragraph, individually. As to the signals identified by the Office in support of the claim 1 rejection, it would be understood that to the extent that the recited signals are part of a transport stream, that there may be one or more characteristic based upon them. To the extent that the signals are not part of the transport stream, it would be understood that there would be no such related characteristics. It is respectfully submitted that the applicant's disclosure would convey to one skilled in the relevant art that applicants had possession of the claimed invention of claim 21. Furthermore, it is submitted that the limitations of at least claims 28-33 would further clarify this to one of ordinary skill in the art. Additional limitations to claim 21 are presented in new claim 49. The Office is respectfully requested to remove the rejection claim 21 under § 112, and to allow the recited subject matter therein.


Applicant(s) respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

While no fees are believed due with this response, other than those identified in any accompanying fee transmittal, the Office is authorized to charge ATI Deposit Account number 50-0441 if fees are determined to be due with respect to this response.

Should the Examiner deem that any further action by the Applicant(s) would be desirable for placing this application in even better condition for issue, the Examiner is requested to issue a formal Notice of Allowance for all pending claims.

Respectfully submitted,

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Date

  
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